

**REMARKS****Rejection of claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Garrett in view of Cezar**

The Examiner rejected claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Garrett in view of Cezar. In the rejection of claim 1 and 4, the Examiner states that Garrett discloses a first web page that includes a form into which a user may enter information, citing col. 9 lines 4-27 of Garrett. The Examiner states that Garrett discloses an intermediate web page at col. 10 line 54 to col. 11 line 5. The Examiner states that Garrett discloses a next web page at col. 10 lines 18-39. The Examiner admits that Garrett does not disclose rendering the intermediate page for a predetermined period of time, and then automatically rendering the next web page when the predetermined period of time expires. The Examiner then cites to Cezar as disclosing rendering a web page for a predetermined period of time, and then automatically rendering the next web page when the predetermined period of time expires, citing col. 7, lines 22-40 of Cezar. The Examiner then states:

Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include period of time expires in the system of Garrett, as taught by Cezar. The motivation being to enable displayed and timed advertisements under the control of system.

Applicants respectfully submit that the combination of Garrett and Cezar suggested by the Examiner would not have been obvious to one of ordinary skill in the art, that the Examiner's stated rationale for combining Garrett and Cezar is defective, that the only possible rationale for combining Garrett and Cezar as suggested by the Examiner is through the use of impermissible hindsight reconstruction, and that the combination of Garrett and Cezar, even if proper, does not teach the limitations in the claims. Each of these arguments is addressed in turn below.

Combination of Garrett and Cezar Suggested by the Examiner Would Not Have Been  
Obvious to One of Ordinary Skill in the Art

Applicants respectfully assert that the combination of Garrett and Cezar suggested by the Examiner would not have been obvious to one of ordinary skill in the art. Cezar deals with the rendering of advertisements in a web browser while a person is browsing. In Cezar, once a user makes an initial browser request to a client webserver (step 30 in FIG. 2), a frame set (24 in FIG. 1) is loaded, and advertisements 16 are then displayed in the frame set. Each advertisement includes a timer that determines how long the advertisement is displayed. When a timer times out, the next advertisement is selected and displayed in the frame set. Note that the rendering of advertisements in the frame set in Cezar occurs without any user control or intervention. Once the user makes an initial request to a client webserver (step 30 in FIG. 2), a first advertisement is automatically displayed in the frame set, and when the timer for the first advertisement times out, a different ad is automatically displayed in the frame set. Display of ads continues as long as the user is browsing the same client webserver, without any interaction or control by the user. Automatic rendering of ads without user intervention is a fundamental principle in on-line advertising. If the advertising were only presented at the user's request, the coverage of an advertiser's ad would be substantially reduced, and advertising would not have its desired effect. Thus, a fundamental principle of online advertising is that it generally occurs without user intervention or control, as specifically taught by Cezar.

Garrett teaches the use of a form to submit information to a web server to complete a purchase transaction. The user fills out the form and decides when to submit the form to the web server. A user controls when information in a form is submitted, so Garrett operates under user control. Because the timed rendering of advertisements in Cezar occurs with no user control, it would not have been obvious to one of ordinary skill in the art to combine the form in Garrett with the timed rendering of ads in Cezar to arrive at the claimed invention.

The Examiner's Stated Rationale for Combining Garrett and Cezar Is Defective

Applicants respectfully assert that the Examiner's stated rationale for combining Garrett and Cezar is defective. The Examiner's stated rationale for the combination of Garrett and Cezar is:

Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include period of time expires in the system of Garrett, as taught by Cezar. The motivation being to enable displayed and timed advertisements under the control of system.

According to the Examiner, it apparently would have been obvious for one of ordinary skill in the art to display a web page in Garrett for a predetermined period of time as taught by Cezar so Garrett could display timed advertisements. This rationale, however, is not consistent with the Examiner's mapping of the claim limitations to Garrett and Cezar. The Examiner maps the display 1200 in FIG. 12 of Garrett on the intermediate page in the claims. To be consistent with this mapping, the Examiner would have to assert that one of ordinary skill in the art would be motivated to display the display 1200 in Garrett for a predetermined period of time based on the teachings of Cezar. The Examiner has made no such statement or showing. The Examiner's stated motivation for combining Garrett and Cezar is defective because the stated rationale is not consistent with the Examiner's mapping of the claim limitations to Garrett and Cezar. As a result, the Examiner has failed to establish a prima facie case of obviousness for claims 1-6 under 35 U.S.C. §103(a) based on the combination of Garrett and Cezar.

The Only Possible Rationale for Combining Garrett and Cezar as Suggested by the Examiner Is Through the Use of Impermissible Hindsight Reconstruction

Applicants respectfully assert that the only possible rationale for combining Garrett and Cezar as suggested by the Examiner is through the use of impermissible hindsight reconstruction. The Federal Circuit has held:

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. In re Fine, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988)(quoting W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983)).

Applicants respectfully assert that there is no teaching or suggestion in either Garrett or Cezar that supports the Examiner's combination. The only possible motivation for the combination comes from applicants' claims, which amounts to impermissible hindsight reconstruction by the Examiner. The Federal Circuit has also held:

In determining obviousness, "the inquiry is not whether each element existed in the prior art, but whether the prior art made obvious the invention as a whole for which patentability is claimed. Grain Processing Corp. v. American Maize-Products Co., 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1793 (Fed. Cir. 1988)(quoting Hartness Int'l, Inc. v. Simplimatic Eng'g Co., 819 F.2d 1100, 1108, 2 U.S.P.Q.2d 1826, 1832 (Fed. Cir. 1987)).

Applicants recognize that Garrett and Cezar both teach certain limitations in the claims. This is not the end of the inquiry. As stated above, the relevant inquiry is whether the prior art made obvious the invention as a whole for which patentability is claimed. Applicants state at p. 12 lines 1-7 of the specification:

The concept of redirection is known in the art, and is commonly used for directing an HTTP request for a web page to the location of a

different web page if the requested web page is no longer available. Redirection with a delay as discussed herein is also known. However, redirection as a result of submitting a form to a web server is not known in the art, and is the subject of the present invention. By redirecting the user to an intermediate page, then to a next page after a short delay, the likelihood of inadvertently submitting the form information to the web server multiple times decreases.

As stated above, redirection as a result of submitting a form to a web server is not known in the art. Neither Garrett nor Cezar teach such redirection. The timed rendering of advertisements in Cezar does not read on the timed rendering of an intermediate page in response to a user submitting information in a form to a web server, as recited in the claims.

The Combination of Garrett and Cezar, even if proper, does not teach the limitations in the claims

Claim 1 recites:

... wherein the web server application renders the first web page to a browser for the user to enter the information, and when the user submits the entered information to the web server application, the web server application receives the entered information, renders the intermediate page for a predetermined period of time, and then automatically renders the next web page when the predetermined period of time expires.

We see from this clause in claim 1 that the web server application performs several functions: 1) renders the first web page to a browser for the user to enter the information; 2) when the user submits the entered information to the web server application the web server application performs the following three tasks: 2A) receives the entered information; 2B) renders the intermediate page for a predetermined period of time; 2C) then automatically renders the next web page when the predetermined period of time expires.

In the rejection of claim 1 and 4, the Examiner states that Garrett discloses a first web page that includes a form into which a user may enter information, citing col. 9 lines 4-27 of Garrett. The Examiner states that Garrett discloses an intermediate web page at col. 10 line 54 to col. 11 line 5. The Examiner states that Garrett discloses a next web page at col. 10 lines 18-39.

According to the Examiner's rejection, the intermediate web page is taught by Garrett at col. 10 line 54 to col. 11 line 5. This cited language refers to display 1200 in FIG. 12. For the combination of Garrett and Cezar to read on claims 1 and 4, display 1200 would have to be rendered for a predetermined period of time, followed by rendering the next web page when the predetermined period of time expires. Note, however, that Garrett expressly teaches away from rendering display 1200 for a predetermined period of time followed by rendering a next web page. Display 1200 in FIG. 12 includes buttons 103, 104, 105, 106, 107 and 1210 that may be clicked by the user to perform a desired function. The display 1200 is displayed until the user clicks on a button that causes a different page to be displayed. The steps in box 1202 in FIG. 12 show the steps in purchasing an item using the Garrett system. Step 1 is to provide the purchaser's credit card information. Step 2 is to verify the purchaser's shipping information and party 1's shipping information. Step 3 requires the user to click on button 1210 to complete the purchase. Display 1200 thus requires action by a user (such as clicking on button 1210 or on one of buttons 103-107) to display a next web page. Claim 1, in contrast, recites that the intermediate web page is rendered for a predetermined period of time, followed by the rendering of the next web page when the predetermined period of time expires. If display 1200 were rendered as the intermediate page in claim 1, the predetermined period of time could expire before the user completes all of steps 1-3, causing the system in Garrett to not function correctly. Garrett thus expressly teaches away from the time rendering of display 1200. Even if the predetermined period of time were sufficient for a user to perform steps 1-3, the limitations in claim 1 would require the user to wait until the predetermined period of

time expires before rendering the next web page. If this were the case, clicking on the Place Order button 1210 would not cause the next web page to be displayed, because the predetermined time period would have to expire before the next web page could be displayed. As a result, the user would waste time waiting for the predetermined period of time to expire even though the user is ready to proceed based on the user clicking the Place Order button 1210. Garrett teaches displaying web pages based on user interaction. There is no teaching or suggestion in Garrett for employing a timer for a web page, and such a timer would interfere with providing the web pages in Garrett in a timely manner to the user.

The Examiner's stated rationale for combining Garrett and Cezar seems to ignore the Examiner's own mapping of claim limitations. The Examiner seems to say that it would be obvious based on the teachings of Cezar to render timed advertisements in the system of Garrett. This, however, misses the point. The page rendered for a predetermined period of time in the claims is the *intermediate page*, which, according to the Examiner, is display 1200 in FIG. 12 of Garrett. Because the Examiner's stated rationale for combining Garrett and Cezar is inconsistent with the mapping of claim limitations to Garrett and Cezar, the Examiner has failed to establish a prima facie case of obviousness for claims 1 and 4 under 35 U.S.C. §103(a).

The web server application in Garrett renders a page with a form to a user to enter information, which the user submits to the web server application. However, claim 1 specifically recites, *when the user submits the entered information to the web server application*, the web server application performs steps 2A), 2B) and 2C) listed above. There is no support in Garrett, Cezar or their combination to perform the steps of rendering the intermediate page (display 1200 in FIG. 12) for a predetermined period of time, then automatically rendering the next web page when the predetermined period of time expires in response to the user submitting information to a web server. To the contrary, the steps of rendering timed advertisement web pages in Cezar are performed

without the user entering information to a web server. Because the combination of Cezar and Garrett do not include a web server application that performs all of steps 2A), 2B) and 2C) above when the user submits the entered information to the web server, claims 1 and 4 are allowable over the combination of Cezar and Garrett.

For the many reasons given above, applicants respectfully assert that claims 1 and 4 are allowable over the combination of Cezar and Garrett, and respectfully request reconsideration of the Examiner's rejection of claims 1 and 4 under 35 U.S.C. §103(a).

Claims 2 and 5

In rejecting claims 2 and 5, the Examiner relies upon the rejection of claim 1 and 4, then states:

In addition, Cezar/Garrett disclose: wherein if the user reloads the next web page the entered information is not re-submitted to the web server application (105, fig. 12 and corresponding text, Garrett).

Item 105 in FIG. 12 of Garrett is a BACK button. Col. 8 lines 59-63 states: "The purchaser can backtrack from the display of FIG. 5 and re-display FIG. 3 by clicking on 'Back' button 105 of the display in FIG. 5, and again on 'Back' button 105 of the display of FIG. 4 to retrieve the display of FIG. 3." The BACK button 105 in Garrett thus performs similar function to BACK buttons in known browsers, allowing a user to reload the previous page. In known browsers, clicking the BACK button to reload a page that submitted form information typically results in resubmitting the form information. Garrett is devoid of any teaching that reads on the limitations in claims 2 and 5. Because Garrett does not teach "wherein if the user reloads the next web page the entered information is not re-submitted to the web server application", claims 2 and 5 are allowable over the combination of Cezar and Garrett, and applicants respectfully request reconsideration of the Examiner's rejection of claims 2 and 5 under 35 U.S.C. §103(a).



Claims 3 and 6

Claims 3 and 6 depend on claims 1 and 4, respectively, which are allowable for the reasons given above. As a result, claims 3 and 6 are allowable as depending on allowable independent claims.

General Comments

The rendering of an intermediate web page as recited in claims 1 and 4 is a significant advance in the art because it prevents resubmission of form information by a user repeatedly clicking on a submit button. This problem is evident in the USPTO's web site. Attached as Exhibit A is a copy of a web page rendered by the USPTO web site. Note that sensitive information has been redacted to protect confidential information. Near the bottom of this web page are three buttons, Submit, Change and Cancel. Just above these three buttons the web page states:

**Note - Pressing 'Submit' multiple times may cause multiple transactions.  
Pressing 'Cancel' after pressing 'Submit' will not cancel the transaction.**


The PTO's own web site suffers from the problem that the claimed invention solves. By introducing an intermediate web page for a predetermined period of time, the page that includes the 'Submit' button is no longer present, thus preventing the user from generating multiple transactions inadvertently by pressing 'Submit' multiple times. Applicants urge the Examiner to consider these claims as a whole. The rendering of timed advertisements without user interaction does not read on the rendering of an intermediate page for a predetermined time period followed by a next web page. Such a system avoids multiple submissions by the user. The Examiner has now made two attempts to combine Garrett and Cezar in different ways to arrive at the claimed invention. Both attempts have been unsuccessful. Should the Examiner maintain her rejection of the pending claims, applicants respectfully request that the Examiner clearly

lay out a prima facie case of obviousness for these claims so the Examiner's rejections may be properly addressed on appeal.

Conclusion

In summary, neither Garrett nor Cezar, either alone or in combination, teach, support, or suggest the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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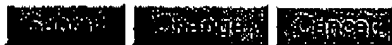
**Credit Card Payment Information:**

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Card Number:  
Card Type: MASTERCARD  
Name on Card: DEREK P. MARTIN  
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**Exhibit A**